

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 1:23CR384 (1)
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	REPORT AND RECOMMENDATION
)	OF MAGISTRATE JUDGE
SABION SMITH,)	
)	
Defendant.)	MAGISTRATE JUDGE JENNIFER DOWDELL
)	ARMSTRONG

Pursuant to General Order 99-49, this matter has been referred to me for the purpose of receiving, after consent, Sabion Smith's ("Defendant's") guilty plea to Count 1 of the Information. The following, along with the transcript or other record of the proceedings, constitutes my Report and Recommendation concerning Defendant's guilty plea:

1. Defendant, accompanied by counsel, entered a plea of guilty under oath on August 15, 2023;
2. I examined Defendant as to his competency to participate in a plea proceeding and found him to be competent;
3. Defendant stated he was satisfied with the advice, competence, and efforts of his lawyer;
4. Defendant acknowledged understanding the nature of the charges contained in the indictment and the maximum possible sentence;
5. Defendant was advised of the following rights: to tender a plea of not guilty or stand upon such a plea previously entered; to trial; to representation by counsel, including appointed counsel, at all stages of the proceedings; to confront and cross-examine adverse witnesses; to present witnesses and to compel their presence; to compel production of exhibits or documents for trial on his behalf; and to waive the privilege against self-incrimination. Defendant acknowledged he understood that if a plea of guilty was accepted, all of these rights would be waived;
6. Defendant was advised that the government would have the right, in a prosecution for perjury, to use any statement he makes under oath;
7. The parties provided me with sufficient information about the charged offenses and Defendant's conduct to establish a factual basis for the plea;
8. I find that Defendant fully understands the terms of the plea agreement;

9. I questioned the Defendant under oath and find that the Defendant's plea was offered knowingly, intelligently, and voluntarily.

In light of the foregoing and the record submitted herewith, I find that all requirements imposed by the United States Constitution and Fed. R. Crim. P. 11 have been satisfied. Accordingly, I recommended that the Court accept Defendant's guilty plea and enter a plea of guilty.

s/Jennifer Dowdell Armstrong
Jennifer Dowdell Armstrong
United States Magistrate Judge

Date: August 15, 2023

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days after being served with a copy of this Report and Recommendation. Failure to file objections within the specified time may waive the right to appeal the District Court's order. *See, United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).